

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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MARYLAND SHALL ISSUE, INC., :  
et al., :  
: Case No:  
Plaintiffs : 16-cv-3311-MJG  
:   
-vs- : Pages 1 - 109  
:   
LAWRENCE HOGAN, in his :  
capacity of Governor of :  
Maryland, et al., :  
:   
Defendants :  
-----X

Deposition of James Johnson  
Baltimore, Maryland  
Tuesday, March 13, 2018

Reported by: Kathleen M. Vaglica, RPR, RMR  
Job No: 390081

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1 just mentioned that you are prepared to address with  
2 respect to the specific requirements of the Handgun  
3 Qualification License in Maryland?

4 A. Could you ask me the question again?

5 Q. Sure. Of course. The first area of  
6 testimony for, set forth for you are the  
7 requirements of the Handgun Qualification License in  
8 Maryland, and we talked a little bit about  
9 fingerprinting, a little bit about training just  
10 now. Are there any other requirements other than  
11 the training and the fingerprinting requirements of  
12 the Handgun Qualification License that you are  
13 prepared to address?

14 A. I think I would address today the  
15 background work that's done as well. I think the  
16 opposing side believes that the current NICS system  
17 check is sufficient, and I would argue that  
18 Maryland's system is more comprehensive.

19 Q. All right. Now, when you talk about  
20 Maryland's system is more comprehensive, are you  
21 referring to the 77R background check?

22 A. I believe that the fingerprint itself is a

1 more robust element that determines one's true  
2 identity. The NICS check obviously can be defeated  
3 with false identification, and I believe that's a  
4 significant measure to reduce false ID, and I would  
5 also state at this time that the training class  
6 itself I strongly believe will reduce straw  
7 purchasing, which is very significant.

8 Q. Is there anything about the background  
9 check associated with the HQL application processing  
10 other than fingerprinting that's different from the  
11 background check on a 77R application?

12 A. Ask the question again, please.

13 Q. Sure. Is there anything different other  
14 than the fingerprint about the background check on  
15 an HQL application that's different from the  
16 background check on a 77R application in Maryland?

17 A. If I understand it correctly, Maryland  
18 prohibits now an individual who voluntarily  
19 committed themselves for more than 30 days or an  
20 individual who was involuntarily committed. I  
21 believe the state of Maryland or the state is in a  
22 better position to research and verify those

1 circumstances to begin with.

2 I've had an opportunity to actually travel  
3 to the state and location that administers these  
4 NICS checks and sat at the console of an operator.  
5 These NICS checks are done in two, two-and-a-half  
6 minutes. Understanding Maryland's process, I  
7 believe it to be a much more exhaustive, thorough  
8 process, and I do believe it's reasonable.

9 Q. So isn't it true that the Maryland process  
10 that you're referring to, in addition to the NICS  
11 process, takes place in connection with the 77R  
12 application, as well as with the HQL application?

13 A. I don't know if it actually involves the  
14 77 or not. I don't know.

15 Q. So you don't know what process is done to  
16 do a background check on a 77R application by  
17 Maryland State Police compared to whatever process  
18 they do to do a background check on the HQL  
19 application; is that what you're saying?

20 A. I don't know.

21 Q. Okay. Now, what is it about  
22 fingerprinting that makes a difference in a

1 THE WITNESS: I'm not in a position to  
2 answer the question.

3 BY MR. SWEENEY:

4 Q. Now, fingerprinting is not, per se, going  
5 to deter a straw purchaser; correct? Because by  
6 definition a straw purchaser is an individual who  
7 can be positively identified and is qualified to  
8 purchase a handgun; correct?

9 MS. KATZ: Objection to form. You can  
10 answer.

11 THE WITNESS: I believe that's an accurate  
12 statement.

13 BY MR. SWEENEY:

14 Q. All right. So what is it about the  
15 fingerprinting process that in any way discourages  
16 straw purchases?

17 A. I believe that an individual that knows  
18 that they have to render fingerprints is less likely  
19 to carry out the scheme. I believe that most  
20 individuals have a great concern or a concern about  
21 rendering their fingerprints.

22 It's been my experience throughout my

1 adult life that individuals are very concerned about  
2 the government possessing their fingerprints for  
3 various reasons that they'll have to explain.

4 Q. And that's true for all Maryland citizens;  
5 correct?

6 MS. KATZ: Objection as to form. You can  
7 answer, if you can.

8 THE WITNESS: I can't answer that.

9 BY MR. SWEENEY:

10 Q. Now, do we have any information as to  
11 whether or not the fingerprinting requirement has  
12 caught anyone who was a straw purchaser?

13 MS. KATZ: Objection to form. You can  
14 answer.

15 THE WITNESS: I don't possess that  
16 information.

17 BY MR. SWEENEY:

18 Q. All right. Do you have any data on the  
19 extent to which straw purchases of handgun occurred  
20 in Maryland prior to the Handgun Qualification  
21 License requirement being initiated?

22 A. Yes.

1 Q. What information do you have?

2 A. I think the case that I put forward is a  
3 Palasinski case where an individual bought for who  
4 she knew was a convicted felon that was prohibited.  
5 Those guns were subsequently used in multiple  
6 homicides.

7 I also bring to your attention the death  
8 of a Baltimore County police tactical officer who  
9 was killed with a gun purchased at a Bass Pro  
10 Outlet, I believe, in South Carolina by a couple who  
11 later traded that gun for drugs, and that gun was  
12 then subsequently used to kill a police officer.

13 There's a case in New York where a gun was  
14 purchased for an individual who killed two firemen,  
15 for example, a 2015 case I believe it is or '14  
16 case.

17 Q. Are those all the examples?

18 A. Those are the ones that come to mind. I'd  
19 have to do research. I'm sure there are a  
20 significant number of cases like that nationwide.

21 Q. Now, the first one, can you spell the name  
22 of the individual?

1 A. Palasinski?

2 Q. Yes.

3 A. No.

4 Q. And that occurred in Maryland?

5 A. Yes, sir.

6 Q. All right. And the second one, the police  
7 officer was shot in Maryland, but the gun was not  
8 purchased in Maryland; correct?

9 A. That's correct.

10 Q. And there is nothing about the Handgun  
11 Qualification License that could have prevented that  
12 from occurring; am I correct?

13 A. The individual that used that gun on the  
14 officer was prohibited. He went outside the state  
15 to acquire that weapon, so Maryland's HQL would not  
16 have affected that case.

17 Q. All right. And the New York incident you  
18 indicated had nothing to do with Maryland; correct?

19 A. No. It's just an example of another straw  
20 purchase that's, you know, very obvious.

21 Q. So, the Palasinski case is the only  
22 example that comes to mind in which you're aware of

1 a straw purchase in Maryland; correct?

2 A. That is the case that I'm quite aware of.  
3 However, I'm very comfortable in saying that with  
4 research and resources additional cases could be  
5 found.

6 Q. All right. As you sit here today, are you  
7 aware of any research and any resources that have  
8 been done that tell us anything about the prevalence  
9 of straw purchasing of handguns in Maryland before  
10 or after the Handgun Qualification License was  
11 initiated?

12 MS. KATZ: Objection as to form. You can  
13 answer.

14 THE WITNESS: No.

15 BY MR. SWEENEY:

16 Q. You also mentioned that you thought the  
17 training requirement of the Handgun Qualification  
18 License could deter a straw purchaser. Did I  
19 understand that correctly?

20 A. Yes.

21 Q. And could you elaborate on that opinion  
22 for me, please?

1 research, time, and resources.

2 Q. Which you have not done in advance of your  
3 opinion in this case?

4 A. No, sir.

5 Q. All right. And you also don't have any  
6 such information specifically about Maryland;  
7 correct?

8 A. That's correct.

9 Q. Item 7 of your testimony talks about the  
10 live fire requirement. We already discussed that.  
11 Is there anything else about your opinion with  
12 respect to the live fire requirement that you'd like  
13 to address?

14 A. Well, personally, I think just firing one  
15 round is not adequate, but I do not think the  
16 requirement to show proficiency in discharging a  
17 round is unreasonable. Again, I would draw your  
18 attention to the process of actually chambering a  
19 round, which is an exercise in and of itself. And,  
20 you know, the average individual that's new to guns,  
21 I think, would struggle working that mechanism of  
22 the weapon, and I'm sure that's a necessary

1 component or process in actually discharging a  
2 round.

3 Q. Now, can this live fire training take  
4 place anywhere or do you have to have it at a  
5 special location?

6 A. I believe that with the change in allowing  
7 a marker-type round that can be conducted virtually  
8 anywhere. I do not believe that is discharging a  
9 weapon in a metropolitan district, for example, so I  
10 believe it could be done anywhere. We use  
11 simunition weapons in classrooms, at the academy.  
12 We use simunition weapons in various locations.

13 Q. So it's your opinion then that a  
14 simunition live fire training can take place within  
15 the city limits of Baltimore City?

16 A. I do not think it's discharging a weapon  
17 in a metropolitan district.

18 Q. And so that could take place anywhere? It  
19 could take place, say, in a backyard or a home in  
20 Baltimore City?

21 A. When I think about this issue, I'm  
22 thinking about a projectile that simply delivers a

1 paint ball-type mark on an object. I understand  
2 there's certain restrictions of the shell casing  
3 itself, but without research I do not think that  
4 it's discharging a weapon in a metropolitan  
5 district.

6 Q. So that's your opinion as you sit here  
7 today, but you haven't researched it specifically?

8 A. No, sir.

9 Q. Okay. So do you know, for instance, if  
10 The Cop Shop in Baltimore City is offering Handgun  
11 Qualification License training including live fire  
12 now?

13 A. I do not know about that location.

14 Q. Do you know of any location in Baltimore  
15 City that offers Handgun Qualification License  
16 training?

17 A. Not in Baltimore City.

18 Q. What's the closest training location  
19 outside of Baltimore City that you can think of?

20 A. Off Route 43 in the Essex community, which  
21 is approximately 17 minutes north of the Baltimore  
22 City line, you've got a location, Continental Arms,

1 Q. Was there any issue with your county of  
2 residence?

3 A. I own property in Harford County,  
4 Maryland, and I own property in Baltimore County,  
5 Maryland.

6 Q. And the Fallston address you gave me this  
7 morning is in Harford County?

8 A. That's correct.

9 Q. And how long has that been your residence?

10 A. For the past year I've used that address,  
11 but I still own the one in Baltimore County as well.

12 Q. All right. Of the firearms that you  
13 mentioned you owned, do you keep any of them for  
14 self-defense purposes?

15 A. I do.

16 Q. And which of the firearms do you use for,  
17 do you keep for self-defense purposes?

18 A. The semiautomatic handgun.

19 Q. Do you keep it loaded and accessible for  
20 self-defense purposes?

21 A. I do.

22 Q. Do any other members of your family